

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 202003463	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/14/2020 7:30 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 11/14/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 05/14/2020 8:25 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/22/2020 9:43 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Aleksandr Kovalenko	01184	944709	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.SGT Aleksandr Kovalenko	Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.SGT Aleksandr Kovalenko	Off. Language: Sergeant Aleksandr Kovalenko made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	§ 87(2)(b)
C.SGT Aleksandr Kovalenko	Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.SGT Aleksandr Kovalenko	Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.SGT Aleksandr Kovalenko	Abuse: Sergeant Aleksandr Kovalenko refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
F.SGT Aleksandr Kovalenko	Discourtesy: Sergeant Aleksandr Kovalenko acted discourteously toward § 87(2)(b)	§ 87(2)(b)
G.SGT Aleksandr Kovalenko	Discourtesy: Sergeant Aleksandr Kovalenko gestured discourteously toward § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 14, 2020, Sergeant Howard Roth of the 47th Precinct filed this complaint with IAB on behalf of § 87(2)(b) her boyfriend, § 87(2)(b) her cousin, § 87(2)(b) and § 87(2)(b) fiancé, § 87(2)(b) generating original log # § 87(2)(b). The CCRB received the log on May 22, 2020.

On May 14, 2020, at approximately 5:30 p.m., in the vicinity of § 87(2)(b) in the Bronx, Sergeant Aleksandr Kovalenko of Bronx Narcotics allegedly said § 87(2)(b) to, “Shut the fuck up, you stupid bitch” (**Allegation A: Discourtesy**, § 87(2)(g) (**Allegation B: Offensive Language**, § 87(2)(g) Sgt. Kovalenko spoke discourteously to § 87(2)(b) (**Allegation C: Discourtesy**, § 87(2)(g) and § 87(2)(b) (**Allegation D: Discourtesy**, § 87(2)(g)

§ 87(2)(b) asked Sgt. Kovalenko for his shield number and he allegedly refused to provide it (**Allegation E: Abuse of Authority**, § 87(2)(g) Sgt. Kovalenko spat into § 87(2)(b) vehicle where § 87(2)(b) was seated and stuck his middle finger up as he drove away (**Allegation F: Discourtesy**, § 87(2)(g) (**Allegation G: Discourtesy**, § 87(2)(g)

No arrests were made, nor any summons issued as a result of this incident.

§ 87(2)(b) provided a cellphone video to the investigation, which captured a portion of this incident (Board Review 01).

Findings and Recommendations

Allegation (A) Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)

Allegation (B) Offensive Language: Sergeant Aleksandr Kovalenko made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) were seated in his vehicle and double parked in the street. § 87(2)(b) was inside her own vehicle. § 87(2)(b) was standing outside talking on the phone.

§ 87(2)(b) (Board Review 02) testified that she was driving around § 87(2)(b) vehicle so that she could park down the block. Sgt. Kovalenko sped up the block in an unmarked vehicle, slowed down to pass § 87(2)(b) waved his hands at her, told her to hurry up, and drove past her.

§ 87(2)(b) (Board Review 03) testified that Sgt. Kovalenko said, “You need to shut the fuck up, you stupid dumb bitch,” as he drove past § 87(2)(b)

§ 87(2)(b) (Board Review 07) overheard Sgt. Kovalenko say to § 87(2)(b) “Shut the fuck up, you stupid bitch.”

Sgt. Kovalenko (Board Review 04) testified that § 87(2)(b) was double parked and § 87(2)(b) was parked next to § 87(2)(b) which blocked Sgt. Kovalenko’s lane. Sgt. Kovalenko pressed on his horn, which sounded the siren. § 87(2)(b) inched forward so that Sgt. Kovalenko could pass. Sgt. Kovalenko did not interact with § 87(2)(b) at any point during this interaction. Sgt. Kovalenko did not recall saying, “Shut the fuck up, you stupid bitch.”

§ 87(2)(g)

Allegation (C) Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)

§ 87(2)(b) (Board Review 03) testified that he exited his vehicle thereafter and asked Sgt. Kovalenko who he was speaking to like that. Sgt. Kovalenko opened his front door, deployed his sirens and said, “I am a police officer, what the fuck are you going to do about it?” § 87(2)(b) apologized and responded, “That still doesn’t give you the right to speak to a woman that way.” Sgt. Kovalenko said, “Who the fuck is this to you?” § 87(2)(b) responded, “That’s beyond the point, you don’t speak to a woman like that.” Sgt. Kovalenko responded, “Fuck you,” and told § 87(2)(b) to “mind his fucking business.”

§ 87(2)(b) (Board Review 07) testified that Sgt. Kovalenko said to § 87(2)(b) “I’m a cop, what the fuck are you going to do?” and “Who the fuck is this to you?”

§ 87(2)(b) provided a 15-second cellphone video (Board Review 01) which captures a portion of the incident (Board Review 01). At the 00:05 mark, Sgt. Kovalenko can be heard saying, “Shut your fucking mouth” to § 87(2)(b). The undersigned played the video again, which did not capture § 87(2)(b) using any profanity.

Sgt. Kovalenko (Board Review 04) testified that § 87(2)(b) approached him, asked Sgt. Kovalenko what he was doing, and made a statement about § 87(2)(b) being a female driver. Sgt. Kovalenko stopped and exited his vehicle. § 87(2)(b) acknowledged that he did not know Sgt. Kovalenko was an officer. Sgt. Kovalenko responded that it should not make a difference if he was a cop or not, § 87(2)(b) was blocking the street and it was not something to argue about. Sgt. Kovalenko did not recall saying “fuck you” and “mind your fucking business” to § 87(2)(b). Sgt. Kovalenko did not recall if he said, “I am a cop. What the fuck are you going to do?” Sgt. Kovalenko did not recall if he said, “Who the fuck is this to you?” Sgt. Kovalenko was shown the abovementioned video during his CCRB interview. Sgt. Kovalenko then acknowledged that he told § 87(2)(b) “Shut your fucking mouth.” Sgt. Kovalenko explained that he made this statement because § 87(2)(b) had cursed at him.

NYPD Patrol Guide Procedure 203-09 states that officers must be courteous and respectful (Board Review 06).

It is undisputed that Sgt. Kovalenko spoke discourteously to § 87(2)(b) § 87(2)(g)

Allegation (D) Discourtesy: Sergeant Aleksandr Kovalenko spoke discourteously to § 87(2)(b)

Allegation (E) Abuse of Authority: Sergeant Aleksandr Kovalenko refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) (Board Review 03) testified that § 87(2)(b) approached and asked Sgt. Kovalenko, “Why are you even bothering us? What’s your badge number? I don’t recognize you from around here. What Precinct are you from?” Sgt. Kovalenko told § 87(2)(b) to “mind his own

fucking business” and to “get the fuck out of here.”

§ 87(2)(b) (Board Review 05) testimony was generally consistent with § 87(2)(b) regarding his interaction with Sgt. Kovalenko. § 87(2)(b) asked for Sgt. Kovalenko’s shield number and Precinct. Sgt. Kovalenko responded, “It doesn’t matter.”

§ 87(2)(b) (Board Review 07) testified that Sgt. Kovalenko said to § 87(2)(b) “Shut the fuck up and mind your business.” § 87(2)(b) informed Sgt. Kovalenko that they were in front of his house. Sgt. Kovalenko replied, “Shut the fuck up.” § 87(2)(b) asked Sgt. Kovalenko for his shield number and what Precinct he was from. Sgt. Kovalenko ignored § 87(2)(b) question and got back into his vehicle.

Sgt. Kovalenko (Board Review 04) testified that additional civilians gathered on the sidewalk during his conversation with § 87(2)(b). Sgt. Kovalenko did not recall if any of the civilians spoke to him. Sgt. Kovalenko did not recall an interaction with § 87(2)(b) or saying to § 87(2)(b) “Shut the fuck up and mind your business.” Sgt. Kovalenko did not recall saying, “Get the fuck out of here.” Sgt. Kovalenko did not recall if anyone requested his shield number.

§ 87(2)(g)

Allegation (F) Discourtesy: Sergeant Aleksandr Kovalenko acted discourteously toward

§ 87(2)(b)

Allegation (G) Discourtesy: Sergeant Aleksandr Kovalenko gestured discourteously toward

§ 87(2)(b)

§ 87(2)(b) (Board Review 07) testified that she was in the front passenger seat of § 87(2)(b) vehicle while Sgt. Kovalenko spoke with § 87(2)(b) and § 87(2)(b). She took out her cellphone and began to record the incident. Sgt. Kovalenko eventually got into his car and began to drive away. Sgt. Kovalenko proceeded past § 87(2)(b) vehicle and observed § 87(2)(b) filming him. Sgt. Kovalenko spat into § 87(2)(b) vehicle, towards § 87(2)(b). Sgt. Kovalenko’s saliva landed on § 87(2)(b) driver’s seat, § 87(2)(b) left arm, and the left side of § 87(2)(b) face. Sgt. Kovalenko continued down Murdock Avenue and stuck his middle finger out of his window.

§ 87(2)(b) (Board Review 03) testimony was consistent with § 87(2)(b) § 87(2)(b) observed Sgt. Kovalenko spit towards § 87(2)(b) who was seated in his vehicle. Sgt. Kovalenko continued down Murdock Avenue and stuck his middle finger out of his car window once he reached the middle of the block.

§ 87(2)(b) cellphone video captured this portion of the interaction (Board Review 01). At the 00:08 mark of the video, Sgt. Kovalenko spits towards § 87(2)(b). At the 00:10 mark, Sgt. Kovalenko can be seen putting his middle finger out of the driver’s side window as he drives away.

Sgt. Kovalenko (Board Review 04) did not initially recall this portion of the incident. After he was provided with a description of it, Sgt. Kovalenko acknowledged that he spit out of his window because he takes medication for “gerd.” Sgt. Kovalenko stated that he usually has a cup in his vehicle that he spits into, but on the day of the incident he decided to spit out of his window. Sgt. Kovalenko stated that his spit was not directed at § 87(2)(b). Sgt. Kovalenko denied sticking

Squad No.: 4

Investigator:	<u>Charis Jones</u>	<u>Investigator Charis Jones</u>	<u>01/27/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>02/03/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date